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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,095	07/10/2001	Rick Rowe	IGTECH.0023P	1122

7590

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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
09/903,095	ROWE, RICK	
Examiner	Art Unit	
Aaron L Enatsky	3713	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 19-25, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Receipt of Amendment***

1. Examiner acknowledges receipt of Applicant's amendment on 7/1/02.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-2, 8-10, 12-20, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. '909 (Reed) in view of MAME – The official Multiple Arcade Machine Emulator site (MAME). Reed discloses a game delivery system over a bi-directional network (Abstract:1-3), providing a selection of multiple games to a video game player (1:38-40). A menu selection program is transmitted at the start of a game, wherein the menu selection program contains information related to selection of possible games. Some of the game information includes game titles, size, and other options (11:60-12:2). Upon subsequent game selection by a game player from the menu selection program, game software corresponding to the game selection will be sent to a game player (2:31-36). The difference between the instant claims and the teachings of Reed lie in the particular software transmitted to a game player. MAME discloses game emulator software, which allows a plurality of game programs of different game architectures to be played on a game machine of yet a different architecture (MAME, Page 1-2). The emulator software can be downloaded through a network distribution system of the Internet (MAME, Page 3-4). As both Reed and MAME disclose game software

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distribution through a bi-directional information medium, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the emulator software taught by MAME with the game distribution system as taught by Reed for the purpose of increasing consumer motivation/interest in the subscription service (Reed, 2:53-59) and allowing people to enjoy long-lost arcade games (MAME, Page 1).

In re claims 2 and 10, MAME discloses emulator software that allows multiple games of differing architecture to be played on a single game machine of yet another different architecture (MAME, Page 1).

In re claim 8 and 12, MAME discloses allowing people to play old arcade game (MAME, Page 1) and the software emulator running on an i686 processor (MAME, Page 2). It is inherent that the i686 processor has a greater processing power than older arcade game machines.

In re claims 16-18, Reed discloses that the game machine can be a personal computer (19:55-58) and as well known in the operating system art, especially in graphical user interface screen selections, layered windowing exists with user selectable tags for display of large amounts of data. Additional to well known window layering exists methods for grouping like data for display such as in multiple folders simultaneously open wherein each folder contains like data (multiple open windows) or a tabbed menu selection wherein each tab groups like data in a single window interface. Furthermore MAME teaches of 3290 games wherein there are 1870 unique games (MAME, Page 2). The limited amount of unique games is a result of a multitude of versions existing for old games, therefore it would have been obvious to one of ordinary skill in the art to use layering screens for grouping and displaying large amounts of like information that would be easily available by tag selection by a user.

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In re claim 19, Reed discloses allowing menu selection choices to be made with a player controller (6:42-44).

In re claim 20, Reed discloses that the game machine can be a personal computer (19:55-58) and game software could be distributed via compact discs or other available media (2:12-14). It is well known in the art that personal computers have storage devices that accept removable such as memory cards, especially if the personal computer is a laptop. With Reed's disclosure of removable storage media and well-known use of other removable media such as memory cards, it would have been to one of ordinary skill in the art to use memory cards for software storage or software portability between machines designated for game play.

4. Claims 3-7, 11, 17-18, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. '909 (Reed) in view of MAME – The official Multiple Arcade Machine Emulator site (MAME), further in view of Tarumi et al. (Tar) '974. Reed in view of MAME teach the claimed limitations as discussed above in addition to providing game title and other information related to a provisionally selected game (Reed, 11:33-35), but do not further elaborate on what fully entails other information. Tar discloses presenting electronic catalog information in various multimedia formats such as text, graphic, still images, moving images, and voice descriptions of user selected products (2:20-28) for providing a user with diverse multimedia product descriptions to aid in purchasing decisions. In the combination of Reed in view of MAME, Reed discloses a driving factor of increasing customer motivation to purchase and subscribe to the video game delivery system, thus increasing revenues (2:52-58). Reed provides customers with a plethora of video game choices (1:38-40), thus providing need for highly descriptive game information. Therefore, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to combine the multimedia production descriptions as taught by Tar with the game delivery system taught by Reed in view of MAME for the purpose of providing highly descriptive game information, thereby allowing customers to make informed decisions before purchasing a game.

### ***Response to Arguments***

5. Applicant's arguments filed 7/1/02 have been fully considered but they are not persuasive. Applicant's claims as amended do not change the scope as initially set forth. Submitted amendments clarify 112 issues dealing with game machine architecture. As currently claimed, Applicant only requires that a game selection be transmitted to a first game machine. The emulator is not required to be transmitted, only delivered, where the first game machine when attempting to play a selected downloaded game would deliver the emulator together with a game. The emulator is integral for successful game play, thus both are delivered together. For clarification, the MAME system does not require separate downloading of emulator utilities. The MAME system has the emulators built into the MAME system, where the game and emulator will be delivered automatically after game selection/execution. The user need not select an emulator for delivery to play a game, the emulator is automatically chosen by the system to match the select game. In addition Applicant arguments regarding the simultaneous transmittal of a game and associated emulator are not commensurate in scope with that which is currently claimed. As such the reject still stands.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

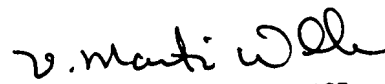
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

March 6, 2003

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

**DETAILED ACTION**

***Response to Amendment***

Examiner acknowledges receipt of amendment on 12/18/02. The arguments set forth in the response are addressed herein below.

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention: a bonus trigger activated: by insertion of a player tracking card; by attaining a loss greater than a predetermined value; by player entitlement; without any subsequent knowledge of player information.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).



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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with R. Scott Weide on 03/05/03, a provisional election was made without traverse to prosecute the invention of a bonus trigger activated by determining player entitlement, claims 26-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-25 and 29-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bonus trigger determined by player entitlement must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,319,125 to Acres in view of US Patent No. 6,048,269 to Burns et al. (Hereafter, Burns). Acres teaches obtaining player information from a player tracking device, then sending player information to the gaming establishment for identification (15:35-16:56). Acres also teaches determining player bonus entitlement in response to a signal from a player tracking device (15:35-16:56). Acres does not teach printing out a ticket at a game machine including award information. Burn teaches a gaming apparatus that has the ability to print cash out slips including bar codes representing winnings (Abstract). Burns teaches implementing such redemption methods due to the failing of traditional cash out sequences. Traditionally cash out sequences involve a player collecting coins or tokens at the gaming apparatus. Coins pose an administrative burden to a casinos as well as an inconvenience to players (1:25-33). Thus one would be motivated to modify Acres to include a ticket generating machine, taught by Burns, to provide a convenient cash out method for players and also as an alternate to the present cash out method. The ticket generating machine would be connected to the gaming machine and configured to print tickets representing player winnings after receiving bonus and general winning information.

***Response to Arguments***

Applicant's arguments have been fully considered, but are not considered persuasive. Claims 19-30 are pending in the application. Claims 19-25 and 29-30 have been withdrawn, thus arguments regarding these claims are moot. Arguments regarding claims 26-28 are not considered persuasive in view of the new rejection.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneier et al. '398 teaches using a variety of analogous methods for cash out sequences including paper based print outs of winnings and player tracking cards. A player network tracking system is also included that makes use of the ticket system.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

March 6, 2003

Aaron Enatsky  
April 10, 2003